



TOWN OF NORTHBOROUGH Zoning Board of Appeals

Town Hall Offices • 63 Main Street • Northborough, MA 01532 • 508-393-5019 • 508-393-6996 Fax

DECISION

ZBA CASE NO. 13-19

PROPERTY LOCATION: 168 South Street

PETITIONER & PROPERTY OWNER: Benjamin N. Davies

RECORDED WITH WORCESTER REGISTRY OF DEEDS: Book 45029, Page 289

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This document is the DECISION of the Northborough Zoning Board of Appeals on the petition of Benjamin N. Davies for Variances to allow reconstruction of a kitchen/mudroom addition on the existing single-family home in an area of the lot with less than the required minimum lot width; to allow a proposed detached garage to have a second story; and to allow the proposed detached garage to be less than the minimum required distance from a side property line on the property located at 168 South Street, GIS Map 83, Parcel 70.

APPLICATION

1. On October 11, 2013, the Applicant filed with the Town Clerk an Application for Hearing before the Zoning Board of Appeals for the purpose of obtaining a Variance from Section 7-06-020, Table of Density and Dimensional Regulations of the Northborough Zoning Bylaw, to allow a proposed kitchen/mudroom reconstruction/addition to be located in an area of the subject lot with less than the required minimum lot width; a Variance from Section 7-06-020 Table of Density and Dimensional Regulations of the Northborough Zoning Bylaw, to allow a proposed detached garage to be located less than the required minimum distance from a side property line; and a Variance from Section 7-06-030C(3)(c) of the Northborough Zoning Bylaw, to allow the proposed detached garage to have a second floor for non-residential use, on the property located at 168 South Street.
2. Notice of the public hearing was duly published in "THE WORCESTER TELEGRAM & GAZETTE" on November 11, 2013 and November 18, 2013, and mailed to abutters and parties in interest on October 28, 2013.

EXHIBITS

Submitted for the Board's deliberation were the following exhibits:

1. Application for Hearing before the Zoning Board of Appeals, including:
 - a. A Quitclaim Deed for 168 South Street, recorded at the Worcester District Registry of Deeds on 10/29/2009, Bk: 45029 Pg: 289;
 - b. A plan with 4 8"x10" sheets entitled "Davies Residence" with sheets identified as "First Floor Plan", "Right Elevation", "Left Elevation", and "Rear Elevation", prepared by John Marro III, A.I.A., Architect-Planner;
 - c. A set of 6 8"x10" architectural plans/renderings entitled "Davies, 168 South Street", with sheets identified as "Garage - Floor Plan", "Garage - Isometric View", "Garage - Front View", "Garage - Rear View", "Garage - Side View", and "Garage - Side View";
 - d. An 11"x17" Approval Not Required (ANR) plan entitled "Plan of Land in Northborough, MA" dated September 18, 2009, signed by the Town of Northborough Planning Board on 09-25-09, recorded at the Worcester District Registry of Deeds on 10/16/09, Plan Book 878, Plan 17;
 - e. An 11"x17" plan entitled "Certified Plot Plan of 168 South Street In Northborough" dated September 24, 2012, stamped and signed on 9-24-13 by Thomas P. DiPersio, Registered Professional Land Surveyor;

- f. A certified abutters list for parcels 300 feet from 168 South Street, including a cover sheet signed by Susan M. Reagan, for the Town of Northborough Board of Assessors, dated September 19, 2013 and a Northborough, MA GIS Viewer map for 168 South Street, dated 9/19/13;
2. A 5-page memorandum to the Town of Northborough Zoning Board of Appeals from Ben Davies, Subject: Davies Variance Application – 168 South Street, dated November 19, 2013; and
3. An 8-page document entitled “Northborough ZBA Meeting, Davies Variance Application Summary, 168 South Street” dated 11/26/13.

HEARING

Applicants Ben and Ashley Davies presented the Application at a duly noticed public hearing of the Board on November 26, 2013 in Conference Room B of the Northborough Town Hall. Voting board members Fran Bakstran, Richard Rand, Richard Kane, Mark Rutan and Robert Berger; and non-voting alternate members Jeffrey Cayer and Brad Blanchette, were present throughout the proceedings.

The Applicants distributed a document to the board members and staff present entitled “Northborough ZBA Meeting, Davies Variance Application Summary, 168 South Street” dated 11/26/13. Mr. Davis stated he and his wife have owned the house at 168 South Street for 4 years, and have been working to improve it, inside and out. The home is built into ledge with outcroppings in the yard. In addition, there is a steep incline to the property, which is unusually shaped. All of these conditions limit the areas on the lot on which a proposed kitchen/mudroom addition to the house and a detached two-story garage may be located. Mr. Davies stated they are requesting variances to locate the kitchen/mudroom addition on an area of the lot that does not meet the required minimum lot width; to allow the proposed detached garage to be 5 feet from a side property line instead of the required 15 feet; and to allow the proposed detached garage to have a second story for storage use.

One abutter was present and the Board did not receive any letters in opposition to the project.

The hearing was closed on November 26, 2013.

FINDINGS OF FACT

1. The subject property at 168 South Street is located in the Residential C District and is .69 acres in size.
2. In the Residential C District, the required minimum lot width is 100 feet. The Applicant is proposing the renovation/addition of a kitchen/mudroom at the rear of the existing house. A portion of the proposed addition will be located in an area of the lot with a width of 98.5 feet. Therefore, a Variance is required from Section 7-06-020 Table of Density and Dimensional Regulations of the Northborough Zoning Bylaw.
3. In the Residential C District, the required minimum distance of a structure to a side property line is 15 feet. The Applicant is also proposing to construct a detached garage in the rear of the property, 5 feet from the south side property line. Therefore, a Variance is required from Section 7-06-020 Table of Density and Dimensional Regulations of the Northborough Zoning Bylaw.
4. The Applicant’s proposed detached garage includes a second story for non-residential use. In residential districts, accessory buildings for non-residential uses that are related to uses permitted in residential districts and are not more than 1 story in height are permitted on the same lot, provided they meet the front, side and rear setback requirements of the residential district. Therefore, a Variance is required to allow the use of a detached garage with a second floor for non-residential use from Section 7-06-030C(3)(c) Density and Dimensional Regulations, Supplemental Regulations, Yard Requirements of the Northborough Zoning Bylaw.
5. The existing home was built into a large expanse of ledge and is surrounded on three sides by ledge outcroppings. The ledge that exists on the property also contributes to the steep incline from South Street. The foundation of the home was built directly on to some of the ledge. Due to the ledge in the basement, approximately half of it has a raised floor leaving less than the average amount of storage capacity. In addition, typical to bungalow-style homes, there is no attic space for additional storage.
6. Prior to purchase by the Applicant, the property was divided into two lots. The shape of the Applicant’s current lot was made to adhere to the minimum lot width requirements of 100 feet at the rear of the home. The lot was also shaped abnormally, as it was divided into two pie-shaped sections connected by a thin strip of land. This

unique shape leaves a back triangular piece of land that is virtually unusable and an oddly-shaped front triangle with which to work.

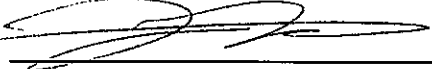
7. Due to the location of ledge just to the south of the current structure and the location of the existing driveway, reconstruction of the addition on the same general footprint is logical and necessary.
8. The house was built in 1916 and is without a modern kitchen. The previous addition was inadequately constructed without a proper foundation or concrete slab and, because of the lack of insulation and proper windows, it currently serves as pantry and mudroom space. The proposed construction will replace the previous kitchen/mudroom addition and make it safe and energy efficient. It will also expand and modernize the existing kitchen while maintaining the style and character of the existing house.
9. Due to the incline of the lot and abundance of ledge, an accessible location to site a garage on the property is limited. With a steep driveway on a blind curve there is a need for space for which cars can turn around. Therefore, maintaining the functionality of the driveway is critical and limits the available locations on the lot for a garage.
10. Due to the current reduced storage capacity of the home with a ledge-filled basement and no attic space, the addition of a second story to the proposed garage will be solely for storage use. In addition, the proposed detached 2-story garage will eliminate the Applicant's ability to locate a shed elsewhere on the property that would meet zoning regulations. Therefore, the second story of the proposed garage will provide much needed safe and secure storage.
11. Due to circumstances related to the topography of the lot, with a steep incline from the street to the house, the amount of ledge and outcroppings on the lot, and the odd shape of the lot which consists of pie-shaped sections in the front and rear connected by a thin strip of land, affecting only the subject land but not generally affecting land or structures in the same zoning district, a literal enforcement of the Zoning Bylaw would involve substantially hardship.
12. The kitchen/mudroom addition reconstruction will make the exterior of the structure conform to the rest of the home's design. Neither the kitchen/mudroom reconstruction nor the proposed garage construction are sited in a location adjacent to structures or used land on abutting properties. Additionally, neither will increase traffic on South Street. Both structures are those found in residential neighborhoods, including the zoning district in which they are located, and on South Street in particular. Therefore, the relief sought will not constitute substantial detriment to the public good.
13. The proposed kitchen/mudroom addition and detached 2-story garage will improve upon the existing structure and enhance it. The architecture of the garage will mimic that of the existing home and will be for one car only, in keeping with the historic style. The building of the kitchen/mudroom addition will be almost exactly in the existing addition's footprint. It will not alter the home's footprint and will improve on the home's historic appearance. Therefore, the relief sought may be given without mollifying or substantially derogating from the intent or purpose of the Zoning Bylaw.

DECISION

1. On November 26, 2013, after due consideration of the Application, the Board voted unanimously to **GRANT** a **VARIANCE** from Section 7-06-020, Table of Density and Dimensional Regulations of the Northborough Zoning Bylaw to allow a proposed kitchen/mudroom reconstruction/addition to be located in an area of the lot with a minimum width of no less than 60 feet on the property located at 168 South Street, per the plans submitted and identified as:
 - a. A set of plans with four 8"x10" sheets entitled "Davies Residence" and sheets identified as "First Floor Plan", "Right Elevation", "Left Elevation", and "Rear Elevation", prepared by John Marro III, A.I.A., Architect-Planner;
 - b. A set of six 8"x10" architectural plans/renderings entitled "Davies, 168 South Street", with sheets identified as "Garage – Floor Plan", "Garage – Isometric View", "Garage – Front View", "Garage – Rear View", "Garage – Side View", and "Garage – Side View"; and

- c. An 11"x17" plan entitled "Certified Plot Plan of 168 South Street In Northborough" dated September 24, 2012, stamped and signed on 9-24-13 by Thomas P. DiPersio, Registered Professional Land Surveyor;
2. On November 26, 2013, after due consideration of the Application, the Board voted unanimously to GRANT a VARIANCE from Section 7-06-020, Table of Density and Dimensional Regulations of the Northborough Zoning Bylaw to allow a proposed detached 2-story garage to be located no less than 4 feet from the side property lines on the property located at 168 South Street.
 3. On November 26, 2013, after due consideration of the Application, the Board voted unanimously to GRANT a VARIANCE from Section 7-06-030C(3)(c) Density and Dimensional Regulations, Supplemental Regulations, Yard Requirements of the Northborough Zoning Bylaw to allow a proposed detached garage to have a second floor for non-residential use on the property located at 168 South Street.
 4. The VARIANCES shall not take effect until a copy of the decision bearing the certificate of the Town Clerk is recorded with the Worcester District Registry of Deeds in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 11 and 15 stating that "twenty (20) days have elapsed after the decision has been filed in the office of the Town Clerk and no appeal has been filed, or if such appeal has been filed it has been dismissed or denied."
 5. Appeals, if any from this decision shall be made pursuant to Massachusetts General Laws, Ch. 40A, Sec. 17 and shall be filed within twenty (20) days after the date of filing of this decision in the office of the Town Clerk.
 6. If the rights authorized by the VARIANCES are not exercised within one year from the time of granting, it shall lapse in accordance with the provisions of Massachusetts General Laws, Ch. 40A, Sec. 10.

TOWN OF NORTHBOROUGH, MASSACHUSETTS
ZONING BOARD OF APPEALS



FRAN BAKSTRAN, CHAIRMAN